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FACSIMILE TRANSMITTAL

TO: GRANT JONATHAN	FAX #: (212) 637-3772
FROM: JOSEPH J. HEATH, ESQ.	FAX #: (315) 475-2465
DATE: August 29, 2005	

THIS TRANSMISSION CONSISTS OF 9 PAGES, INCLUDING THIS PAGE.
COMMENTS:

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CONFIDENTIAL
MEMORANDUM
ATTORNEY WORK PRODUCT

TO: GRANT JONATHAN

FROM: JOE HEATH 

DATE: August 27, 2005

SUBJECT: CAYUGA NATION: RECENT B.I.A. LETTERS

Attached please find copies of three recent letter from BIA Eastern Area Director Franklin Keel:

1. March 15, 2005 to me;
2. March 17 to Gold and me: AND
3. July 18, 2005 to Wheeler and Twoguns

These letters, along with a similar March 15, 2005 letter to Gold and a similar July 18, 2005 letter to Chiefs William Jacobs and Samuel George, establish Mr. Keel's current rulings, relative to the Cayuga Nation:

- a. BIA continues to recognize the traditional Cayuga Nation Council of Chiefs, as the only decision making body for the Nation; and
- b. BIA continues to recognize only consensus decisions by the Council. Several times this year, Mr. Keel has rejected purported decisions because consensus has not been properly proven to him.

MEMO TO GRANT JONATHAN

August 27, 2005

RE: CAYUGA NATION BIA LETTERS

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CONFIDENTIAL: ATTORNEY WORK PRODUCT

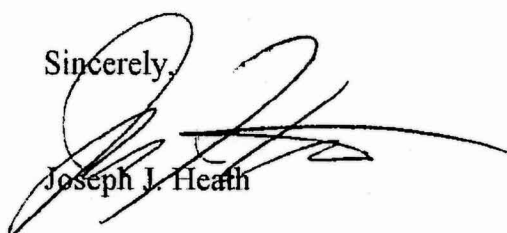
Therefore, neither Clint Halftown nor Sharon LeRoy has the authority to make any unilateral decisions. In fact, Ms. LeRoy is, at most, a secretary and therefore, she has no independent decision making authority.

I hope that these letter are helpful to the Agency as it attempts to sort through false messages of purported decisions by the Cayuga Nation. Mr. Keel has established a clear pattern that BIA will not recognize any changes without proper proof of a consensus decision by the Nation's governing body, its traditional Council of Chiefs.

I should at least mention, that there are several errors in these BIA letters, which are being addressed by the traditional Cayuga Chiefs and Clan Mothers, but that these errors do not pertain the consensus requirement for decision making.

Please feel free to contact my office, if there are further questions relative to the Cayuga Nation and HETF.

Sincerely,



Joseph J. Heath



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office
711 Stewarts Ferry Pike
Nashville, TN 37214

MAR 15 2005

Joseph J. Heath
Attorney At Law
716 East Washington Street
Suite 104
Syracuse, NY 13210-1502

Dear Mr. Heath:

By letter of January 28, 2005 your clients notified me that Clint Halftown was no longer authorized to represent the Cayuga Nation of Indians as he had been removed as Heron Clan representative by Heron Clanmother Bernadette Hill on July 3, 2004. Shortly thereafter I received a letter from Mr. Halftown contending that because his removal had not been properly conducted, he remains as Heron Clan and Nation representative. Following this, we received a council resolution from other members of the Nation Council purporting to remove Mr. Halftown as Nation representative, but continuing to recognize him as a Heron Clan representative.

It is the policy of the Bureau to refrain from engaging in actions which would constitute unnecessary interference in the internal governmental affairs of Indian nations. However, to ensure that the Bureau is dealing with the appropriate legal representative of a nation, it is sometimes necessary to engage in a limited examination of the internal decision making processes of that nation.

In light of the mixed signals that I have received regarding the status of Mr. Halftown with the Nation, I sent Mr. Dean White, Acting New York Field Representative to Gowanda, New York on February 17 to meet with all parties and gather information on my behalf in an effort to further my understanding of the matter. At that meeting, each party was given the opportunity to provide oral and written evidence to support their position regarding this situation.

In considering the January 28 letter, I was concerned about whether the action to remove Mr. Halftown was consistent with accepted Nation law and custom and if the letter was representative of the Nation Council.

After reviewing this information, I find that there is a general disagreement among the Nation leaders concerning Nation custom and law as it pertains to Mr. Halftown's

situation. While all parties agree that that a clanmother is responsible for selecting and removing a chief or representative of her clan, some Council members contend that Mr. Halftown's removal did not follow an applicable set of Nation guidelines. Additionally, some members of the Council contend that the proposed action was required to be brought before the full Council for consideration.

Given this lack of agreement on the part of the Nation Council as to whether Nation law was followed and absent any clear evidence dictating how Nation law and custom apply to this particular circumstance, there is insufficient evidence for me to ascertain if Mr. Halftown's removal was consistent with Nation law governing the removal of a Nation representative.

In considering whether the January 28 letter is a valid expression of the Nation Council in terms of it representing a consensus of the Council, it is necessary to consider if it adheres to the consensus requirement of the Nation. It is my belief from information provided to me that the Nation reaches decisions based upon a consensus of agreement by the Council. I also understand that while clanmothers make recommendations, they do not have a voice in the decision-making process for matters before the Council.

I also understand that a consensus can be reached with some opposition from Council members to the final decision. I do not know at what point opposition to a matter is sufficient to prevent it from being passed by the Council, but it stands to reason that a favorable action would not take place unless at least a majority of the Council either supports it or does not object to it.

It has been presented to me that the Council consists of the following individuals:

Turtle Clan: Representative Timothy Twoguns, Representative Gary Wheeler,
Clanmother Lena Pierce

Heron Clan: Representative William Jacobs, Representative Clint Halftown, Clanmother Bernadette Hill

Bear Clan: Representative Chester Isaac, Representative Samuel George, Clanmother Inez Jimerson

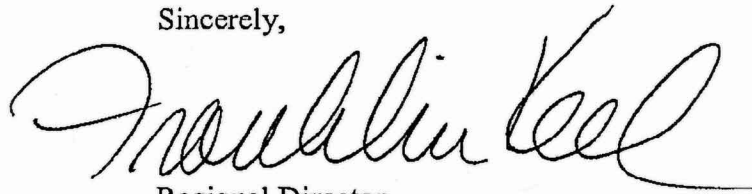
With each clan representative having an equal voice with regard to the matter of Clint Halftown's status with the Nation, the January 28 letter is representative of only three of the six voices on the Council since it is signed by representatives Isaac, Jacobs and George, but not Halftown, Twoguns or Wheeler. Therefore the January 28 letter does not represent the position of a majority of the Council. With the understanding that the Nation does not operate under a "majority rules" tradition, but follows a consensus based decision making process, I can only conclude that less than a majority of support for a position can not be considered a consensus of the Council under any interpretation of the meaning of consensus.

Taken in this regard, the letter does not carry sufficient weight to be considered as a representative view of a consensus of the Council.

I therefore find the January 28 letter to be insufficient to change the Bureau's recognition of Clint Halftown as having the authority to represent of the Cayuga Nation in its dealings with the Federal government.

It saddens me to know that a rift exists within the Cayuga Nation over issues before the Nation leadership. I hope that these differences can be worked out through peaceful, internal means.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin Keel". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

Regional Director

Cc: Dan French
Martin Gold
Hilda Manuel
David Moran
Dean White

/17/2005 17:40 FAX 615 467 1701

BIA EASTERN REGION

002/002

**United States Department of the Interior****BUREAU OF INDIAN AFFAIRS**

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711 Stewarts Ferry Pike
Nashville, TN 37214

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Attorney At Law
716 East Washington Street
Suite 104
Syracuse, NY 13210-1502

MAR 17 2005

Martin R. Gold, Esq.
Sonnenschein Nath & Rosenthal LLP
1221 Avenue of the Americas
New York NY 10020

Sirs:

So as to avoid any confusion, I wish to clarify and confirm to you the limitations on the scope of my March 15, 2005 letter to each of you regarding the authority of Clint Halftown as the Cayuga Nation's representative.

As noted in that letter, the Bureau of Indian Affairs in its government-to-government relations with a tribe must be advised by the tribe as to the individuals representing the tribe in such dealings with the Bureau or other agencies of the executive branch of the federal government. As stated in the letter, based on our understanding of the information presented to us, we continue to recognize Mr. Halftown as the Nation's representative in its government-to-government relationship with the Bureau.

The scope of the Bureau's recognition of Mr. Halftown as the Cayuga Nation's representative does not extend to the Nation's dealings with any state or local government, other sovereign entities, corporations and other entities, or individuals. In light of that, my letter of March 15 should not be interpreted to affect the Cayuga Nation's land claim settlement with the State of New York.

Sincerely,

Regional Director

Cc: Dan French
Martin Gold
Hilda Manuel

David Moran
Dean White

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United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
EASTERN REGIONAL OFFICE
545 MARIOTT DR., SUITE 700
NASHVILLE, TENNESSEE 37214

JUL 18 2005

IN REPLY
REFER TO:

Office of the Regional Director
(615) 564-6700

Certified Mail No. 7004 1350 0000 9913 0446 – Return Receipt Requested

Mr. Gary Wheeler
Mr. Timothy TwoGuns
Mr. Michael Wheeler
P.O. Box 250
Hamburg, NY 14075-0250

Dear Sirs:

This is in response to your letter of May 17, 2005, wherein you request that the Bureau of Indian Affairs recognize you as the provisional council of the Cayuga Nation (Nation).

Presently, the Bureau of Indian Affairs recognizes the following individuals as constituting the Nation Council of the Cayuga Nation:

Clint Halfown, Representative, Heron Clan
William Jacobs, Representative, Heron Clan
Timothy Twoguns, Representative, Turtle Clan
Gary Wheeler, Representative, Turtle Clan
Samuel George, Representative, Bear Clan
Chester Isaac, Representative, Bear Clan

In addition, we recognize the following clanmothers for the Cayuga Nation:

Bernadette Hill, Heron Clanmother
Lena Pierce, Turtle Clanmother
Inez Jimerson, Bear Clanmother

It is our belief and understanding that the Cayuga Nation is governed by a traditional government consistent with the traditions of other Haudenosaunee Nations and that the leadership is comprised of a Nation council representing the clans of the Cayuga Nation. These leaders are not elected but are appointed by their respective clanmothers in accordance with the customs of the Cayuga Nation.

-2-

It would not be appropriate for the Bureau of Indian Affairs to encourage or assist members of the Cayuga Nation in changing the form of government that the Cayuga Nation operates under and we will not engage in such activity.

It is conceivable, however, that the Cayuga Nation may, by autonomous action, alter its form of government independent of the Federal government and under those circumstances, the Bureau of Indian Affairs would be remiss in the upholding of its government-to-government relationship with the Cayuga Nation if it did not recognize such an action.

There exists no standard for determining what considerations the Bureau of Indian Affairs would hold to in determining if a nation has changed its form of government and the creation of a standard would possibly prove to be detrimental to nation governments insofar as it would serve to establish a blueprint for dissident groups to overthrow those governments.

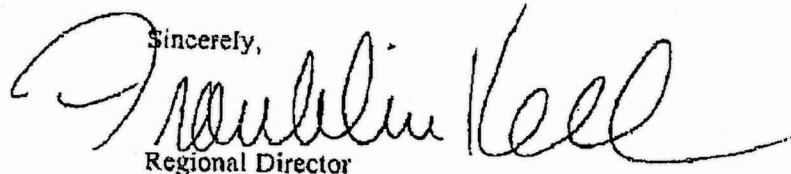
In the absence of an accepted standard, we must examine the specific circumstances of each particular case to ascertain if those circumstances warrant a change in the government-to-government relationship with that nation.

In this case, two of six recognized members of the Cayuga Nation Council have requested that we recognize a new form of government for the Cayuga Nation. To support this request they have presented evidence that suggests that a number of Cayuga Nation members representative of significantly less than a majority of the adult membership of the Cayuga Nation voted for a new form of Nation government.

Given these facts, it is our determination that the level of support for changing the form of government of the Cayuga Nation is insufficient for the Bureau of Indian Affairs to alter its recognition of the Cayuga Nation's form of government or the individuals previously noted in this letter as comprising that government. Therefore your request for recognition is denied.

As mentioned to you at our recent meeting at the Eastern Regional Office, I would be glad to assist the Nation Council by providing assistance in attempting to resolve the Nation's crisis through mediation or other conflict resolution means. If you would like to discuss these options further please contact me.

Sincerely,



Regional Director

cc: Henry Cashen	Bernadette Hill
Clint Halftown	Inez Jimerson
Dan French	Lena Pierce
Samuel George	Joe Heath
William Jacobs	Dean White
Chester Isaac	